

RESOLUTION NO.15-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA CERTIFYING MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACTS 14-02 FOR A 32 UNIT MULTI-FAMILY RESIDENTIAL DEVELOPMENT AT 1220 AND 1240 WEST LA HABRA BOULEVARD SUBJECT TO THE MITIGATION MONITORING AND REPORTING PROGRAM AND THE STATEMENT OF FINDINGS OF FACT HERETO ATTACHED AS EXHIBITS "A" & "B".

The Planning Commission of the City of La Habra does hereby resolve as follows:

Section 1. The Planning Commission does hereby find and determine that:

- a. Mi Soo Pak, on behalf of Urban Village Development Company, filed an application requesting certification of Mitigated Negative Declaration of Environmental Impact (MND) 14-02 for a 32 unit multi-family residential development at 1220 & 1240 West La Habra Boulevard.
- b. An Initial Study resulting in Mitigated Negative Declaration of Environmental Impact MND 14-02 was prepared for this project pursuant to Sections 15170 and 15071 of the California Environmental Quality Act (CEQA) Guidelines. A Notice of Intent to Adopt a Mitigated Negative Declaration was circulated for public review and comment pursuant to Section 15072 of the CEQA Guidelines. The Initial Study identified environmental impacts resulting from the project and proposed mitigation measures to reduce those impacts to a level of insignificance. A Mitigation Monitoring Program is attached to this resolution as Exhibit "A". The Mitigation Monitoring Program lists the mitigation measures, agencies responsible for monitoring their implementation, and when the measures are to be implemented.
- c. The proposal has been reviewed pursuant to the requirements of the City's National Pollutant Discharge Elimination System (NPDES) Municipal Permit, the Local Implementation Plan (LIP), and the Model Water Quality Management Plan (WQMP), Section 7.2. Since the proposal will constitute the disturbance of more than 5,000 square feet of soil, a Priority Water Quality Management Plan (WQMP) is required. A Preliminary WQMP has been approved and included as Appendix D of the Initial Study.
- d. The Planning Commission held a duly noticed public hearing on April 13, 2015 to consider the Initial Study and Mitigated Negative Declaration of Environmental Impact MND 14-02. After considering all the written and oral evidence offered, including the staff report and all attachments, the Planning Commission certifies MND 14-02 subject to the Mitigation Monitoring Program (Exhibit A) along with the Findings of Facts (Exhibit B).

Section 2. The Planning Commission further finds and determines that:

- a. The Initial Study, including the Mitigation Monitoring Program, fully addresses possible impacts resulting from the proposed development and has been prepared and completed in compliance with the requirements of CEQA.
- b. As required by law, a legal Notice of Public Hearing and a Notice of Intent to Adopt Mitigated Negative Declaration 14-02 was placed in the Orange County Register in addition to individual notices being sent to property owners within 300 feet and all responsible agencies for a 30 day review period that began on February 2, 2015 and ending on March 3, 2015. During the 30-day public review period, staff received comment letters from the Fullerton Joint Union High School District (March 2, 2015), La Habra City School District (March 5, 2015), County of Orange Public Works (March 2, 2015) and the California Department of Transportation (Caltrans), District 12 (March 5, 2015). Responses to Comments were prepared pursuant to the CEQA Guidelines and provided to the commenting agencies 10 days prior to the scheduled public hearing date and made a part of the Initial Study attached to the staff report.
- c. The Initial Study and the determination that a Mitigated Negative Declaration of Environmental Impact be processed reflects the City's independent judgment and analysis of the Project and is included as an attachment to the staff report.

Section 3. The Planning Commission hereby makes findings in support of its certification of the Initial Study/Mitigated Negative Declaration of Environmental Impact based on the "Finding of Facts" hereto as Exhibit "B".

Section 4. Based upon the foregoing, the Planning Commission of the City of La Habra certifies the Initial Study and Mitigated Negative Declaration of Environmental Impact MND 14-02 along with the Mitigation Monitoring Program attached hereto as Exhibit "A". The Planning Commission Secretary shall certify to the adoption of this resolution and transmit a copy to the applicant.

Said motion CARRIED by the following roll call vote:

AYES: COMMISSIONERS:
NOES: COMMISSIONERS:
ABSTAIN: COMMISSIONERS:
ABSENT: COMMISSIONERS:

Dated: April 13, 2015

ATTEST: _____ APPROVED: _____
Carmen G. Henderson, Secretary Chairman,

MITIGATION MONITORING AND REPORTING PROGRAM 1220 & 1240 WEST LA HABRA BOULEVARD LA HABRA, CALIFORNIA

1. INTRODUCTION

The City of La Habra, in its capacity as the Lead Agency for the project, is considering the approval of a 32-unit, multi-family residential development. The proposed project would demolish the existing building and grade the 2.16-acre project site for the purpose of constructing eight new 2.5-story buildings containing a total of 32 residential condominium units; provides for four unit plan types, each with three bedrooms and a bonus room. Roof decks would also be provided for each unit. The proposed project would provide 69 garage parking spaces and 43 open parking spaces for a total of 112 parking spaces. Approximately 20,338 square feet of open space would be provided, including landscaped walkways and a community park/common open space area located on the northwest corner of the project site.

The Mitigated Negative Declaration and the Initial Study prepared for the proposed development determined that the proposed project would not have any significant adverse unmitigable environmental impacts.

Pursuant to Section 21081(a) of the Public Resources Code, findings must be adopted by the decisionmaker coincidental to the approval of a mitigated negative declaration that relates to the mitigation monitoring program. These findings shall be incorporated as part of the decision-maker's findings, in conformance with the requirements of the Public Resources Code Section 21081(a) and 21081.6. The City of La Habra, in its capacity as Lead Agency for the project, must make the following findings:

- A mitigation reporting or monitoring program will be required;
- Any design plans developed for the responsible monitoring agency, shall include the required mitigation; and,
- An accountable enforcement agency or monitoring agency shall be identified for the mitigations adopted as part of the Planning Commission's final determination.

This Mitigation Monitoring Program consists of the following elements:

- *Section 1 Introduction* provides an overview and purpose of this Mitigation Monitoring Program.
- *Section 2 Basis for Mitigation* described the environmental impacts that led to the recommended mitigation along with a description of the recommended mitigation measure.
- *Section 3 Mitigation Monitoring* indicates the agency responsible for the implementation of the mitigation and the schedule for implementation.

2. BACKGROUND FOR MITIGATION

The Initial Study for the proposed project determined that the proposed project is not expected to have significant adverse environmental impacts, with the implementation of the recommended mitigation measures. The following findings can be made regarding the mandatory findings of significance set forth in Section 15065 of the CEQA Guidelines based on the results of this environmental assessment:

The approval and subsequent implementation of the proposed project *will not* have the potential to degrade the quality of the environment, with the implementation of the required mitigation measures included herein.

- The approval and subsequent implementation of the proposed project *will not* have the potential to achieve short-term goals to the disadvantage of long-term environmental goals, with the implementation of the required mitigation measures referenced herein.
- The approval and subsequent implementation of the proposed project *will not* have impacts that are individually limited, but cumulatively considerable, when considering planned or proposed development in the immediate vicinity, with the implementation of the required mitigation measures contained herein.
- The approval and subsequent implementation of the proposed project *will not* have environmental effects that will adversely affect humans, either directly or indirectly, with the implementation of the required mitigation measures contained herein.

In addition, pursuant to Section 21081(a) of the Public Resources Code, findings must be adopted by the decision-maker coincidental to the approval of a mitigated negative declaration, which relates to the mitigation-monitoring program. These findings shall be incorporated as part of the decision-maker's findings of fact, in response to AB 3180 and in compliance with the requirements of the Public Resources Code. In accordance with the requirements of Section 21081(a) and 21081.6 of the Public Resources Code, the City of La Habra can make the following additional findings:

- A mitigation monitoring and reporting program will be required;
- Site plans and/or building plans, submitted for approval by the responsible monitoring agency, shall include the required standard conditions; and,
- An accountable enforcement agency or monitoring agency shall be identified for the mitigations adopted as part of the decision-maker's final determination.

3. MITIGATION MEASURES

The following mitigation measure is required that impacts to biological resources are less than significant:

Mitigation Measure MM-BIO-1. Prior to grading, a pre-construction nesting bird survey shall be conducted by a qualified biologist to determine the presence or absence of nesting, native birds on the project site. No ground-disturbing activities shall occur on the project site until the results of the survey have been submitted to and approved by the City. Any measures recommended by the study shall be implemented by the project developer.

Mitigation Measure MM-BIO-2. The Quercus agrifolia that is to be removed from the project site shall be replaced with one 24" box Quercus agrifolia within the proposed common open space area when the landscaping is installed.

The following mitigation measures are required to reduce the potential for exposure of people and structures to substantial adverse impacts due to earthquakes and landslides:

Mitigation Measure MM-GEO-1. Prior to the issuance of a grading permit, the Applicant shall conduct a geotechnical investigation and incorporate all recommendations contained in the final report into the grading plan and foundation design.

Mitigation Measure MM-GEO-2. Prior to the issuance of a building permit, the Applicant shall demonstrate adherence to the 2013 California Building Code seismic design parameters.

Mitigation Measure MM-GEO-3. Prior to the issuance of a grading permit, the Applicant shall complete a structural survey of all existing walls surrounding the project site by a licensed civil engineer and implement any recommended repairs or replacement of the wall as recommended by the survey and as required by the Chief Building Official.

The following mitigation measures would ensure that noise levels would meet City noise standards:

Mitigation Measure MM-NOI-1. Prior to the issuance of building permits, plans submitted by the Applicant for building plan check shall indicate that all windows and sliding glass doors of the first row of residential units facing La Habra Boulevard have a minimum Sound Transmission Class (STC) rating of 27, and all windows and sliding glass doors of the first row of residential units facing Idaho Street have a minimum STC rating of 25.

Mitigation Measure MM-NOI-2. Prior to the issuance of any building permits, plans submitted by the Applicant for building plan check shall show a six-foot noise barrier along the east property line.

The following mitigation measure is required to reduce the potential for the project have a potentially adverse impact related to line of sight:

Mitigation Measure MM-TRA-1. Prior to the issuance of a Certificate of Occupancy, the applicant shall install “15 MPH” advisory speed limit signs on the internal drive aisles to keep vehicle speeds low, and specifically on the internal drive aisle near the access drive aisle to Idaho Street.

4. MITIGATION MONITORING

The implementation of all the mitigation measure identified in the Initial Study will be the responsibility of the Applicant to implement. The monitoring and reporting of the implementation of the measure, including the period for implementation, monitoring agency, and the monitoring action, are identified in the table provided on the following pages.

Required Mitigation	Enforcement Agency	Monitoring Phase
Mitigation Measure MM-BIO-1. Prior to grading, a pre-construction nesting bird survey shall be conducted by a qualified biologist to determine the presence or absence of nesting, native birds on the project site. No ground-disturbing activities shall occur on the project site until the results of the survey have been submitted to and approved by the City. Any measures recommended by the study shall be implemented by the project developer.	Chief Building Official Applicant is responsible for implementation.	Prior to issuance of a grading permit.
Mitigation Measure MM-BIO-2. The Quercus agrifolia that is to be removed from the project site shall be replaced with one 24” box Quercus agrifolia within the proposed common open space area when the landscaping is installed.	Chief Building Official and Planning Manager Applicant is responsible for implementation.	Upon submittal of the project landscape plan.

MITIGATION MONITORING AND REPORTING PROGRAM
1220 & 1240 WEST LA HABRA BOULEVARD

Mitigation Measure MM-GEO-1. Prior to the issuance of a grading permit, the Applicant shall conduct a geotechnical investigation and incorporate all recommendations contained in the final report into the grading plan and foundation design.	Chief Building Official Applicant is responsible for implementation.	Prior to the issuance of a grading permit.
Mitigation Measure MM-GEO-2. Prior to the issuance of a building permit, the Applicant shall demonstrate adherence to the 2013 California Building Code seismic design parameters.	Chief Building Official Applicant is responsible for implementation.	Prior to the issuance of a building permit.
Mitigation Measure MM-GEO-3. Prior to the issuance of a grading permit, the Applicant shall complete a structural survey of the existing wall surrounding the project site and implement any recommended repairs or replacement of the wall.	Chief Building Official Applicant is responsible for implementation.	Prior to the issuance of a grading permit.
Mitigation Measure MM-NOI-1. Prior to the issuance of building permits, plans submitted by the Applicant for building plan check shall indicate that all windows and sliding glass doors of the first row of residential units facing La Habra Boulevard have a minimum Sound Transmission Class (STC) rating of 27, and all windows and sliding glass doors of the first row of residential units facing Idaho Street have a minimum STC rating of 25.	Chief Building Official Applicant is responsible for implementation.	Prior to the issuance of a building permit.
Mitigation Measure MM-NOI-2. Prior to the issuance of any building permits, plans submitted by the Applicant for building plan check shall show a six-foot noise barrier along the east property line.	Chief Building Official Applicant is responsible for implementation.	Prior to the issuance of a building permit.
Mitigation Measure MM-TRA-1. Prior to the issuance of a Certificate of Occupancy, the applicant shall install “15 MPH” advisory speed limit signs on the internal drive aisles to keep vehicle speeds low, and specifically on the internal drive aisle near the access drive aisle to Idaho Street.	Chief Building Official Applicant is responsible for implementation.	Prior to the issuance of a certificate of occupancy.

**FINDINGS AND STATEMENT OF FACTS FOR
MITIGATED NEGATIVE DECLARATION 14–02
32-UNIT MULTI-FAMILY RESIDENTIAL DEVELOPMENT
1220 & 1240 WEST LA HABRA BOULEVARD
LA HABRA, CALIFORNIA**

The City of La Habra as Lead Agency for the above-entitled discretionary action, has reviewed and considered the information contained in the Initial Study in support of the Mitigated Negative Declaration prepared for the proposed 32-unit multi-family residential development, located at 1220 and 1240 West La Habra Boulevard.

INTRODUCTION

This document identifies the findings and facts that the City of La Habra will consider relative to the conclusions of the Initial Study and the Mitigated Negative Declaration prepared for the proposed 32-unit multi-family residential development. These *Findings* and the *Facts in Support of Findings* are made in accordance with Sections 15091 through 15093 of the California Environmental Quality Act (CEQA) Guidelines and pursuant to Sections 21081 of the California Public Resources Code. This document consists of the following sections:

- *Section I Findings with Respect to Significant Environmental Effects* contains those findings concerning the proposed project's potential significant effects and the feasibility of the mitigation measures included in the Initial Study to mitigate these significant effects.
- *Section II Findings with Respect to the Environmental Review Process* includes the findings of the Lead Agency with respect to the environmental review completed for the proposed project.
- *Section III Findings with Respect to the Environmental Analysis* includes facts in support of findings and findings concerning significant effects for each of the issues examined in the Initial Study prepared for the project.

I. FINDINGS WITH RESPECT TO SIGNIFICANT ENVIRONMENTAL EFFECTS

The Initial Study prepared for the proposed project determined that the project is not expected to have significant adverse environmental impacts, with the implementation of the recommended mitigation measures. The following findings can be made regarding the mandatory findings of significance set forth in Section 15065 of the CEQA Guidelines based on the results of this environmental assessment:

- The approval and subsequent implementation of the proposed project *will not* have the potential to degrade the quality of the environment, with the implementation of the recommended standard conditions and mitigation measures included herein.
- The approval and subsequent implementation of the proposed project *will not* have the potential to achieve short-term goals to the disadvantage of long-term environmental goals, with the

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implementation of the recommended standard conditions and mitigation measures referenced herein.

- The approval and subsequent implementation of the proposed project *will not* have impacts that are individually limited, but cumulatively considerable, when considering planned or proposed development in the immediate vicinity, with the implementation of the recommended standard conditions and mitigation measures contained herein.
- The approval and subsequent implementation of the proposed project *will not* have environmental effects that will adversely affect humans, either directly or indirectly, with the implementation of the recommended standard conditions and mitigation measures contained herein.

In addition, pursuant to Section 21081(a) of the Public Resources Code, the following findings will be adopted by the City of La Habra coincidental to the approval of a Mitigated Negative Declaration, which relates to the Mitigation-Monitoring Program. In accordance with the requirements of Section 21081(a) and 21081.6 of the Public Resources Code, the City of La Habra can make the following additional findings:

- A mitigation reporting or monitoring program will be required.
- Site plans and/or building plans, submitted for approval to the responsible monitoring agency, shall include the required standard conditions.
- An accountable enforcement agency or monitoring agency shall be identified for the mitigation measures adopted as part of the decision-maker's final determination.

The City of La Habra, acting as the designated Lead Agency and the decision-maker for the approval and subsequent implementation of the proposed 32-unit multi-family residential development proposed for 1220 and 1240 West La Habra Boulevard, has reviewed and considered the information contained in the Initial Study prepared for the proposed project. In addition, the Lead Agency has reviewed the public record as it relates to the proposed action. The Lead Agency makes the following findings, pursuant to the CEQA and CEQA Guidelines:

- I.A.* The City of La Habra Planning Commission, as decision-maker, having reviewed and considered the information contained in the Initial Study prepared for the proposed project and the public record, finds that the recommended mitigation measures for the proposed project will avoid or substantially lessen potentially significant environmental impacts.
- I.B.* The City of La Habra, as Lead Agency and decision-maker, having reviewed and considered the information contained in the Initial Study prepared for the proposed project and the public record, finds that there are no specific economic, social, or other considerations which make the implementation of the recommended mitigation measures contained in the Initial Study infeasible.

- I.C.* The City of La Habra, in its capacity as Lead Agency and decision-maker, having reviewed and considered the information contained in the Initial Study prepared for the proposed project, and the public record, will adopt the mitigation measures contained in the Initial Study and referenced in the Mitigation-Monitoring Program.

II. FINDINGS WITH RESPECT TO THE ENVIRONMENTAL REVIEW PROCESS

The City of La Habra, acting as Lead Agency for the environmental review of the proposed project, makes the following findings with regard to the environmental review process undertaken to analyze the proposed project's potential environmental impacts:

- II.A.* Pursuant to the provisions of Section 15082 of the State CEQA Guidelines, as amended, the City of La Habra, as Lead Agency, oversaw the preparation of an Initial Study to ascertain the nature and scope of any potential impacts.
- II.B.* The Initial Study prepared for the proposed project determined that there were a number of potentially significant effects associated with the proposed project. The Initial Study further identified the mitigation measures that would be effective in eliminating potential impacts or reducing the effects to levels that were less than significant. For this project, the Lead Agency determined that a Mitigated Negative Declaration was required pursuant to CEQA for the proposed project.
- II.C.* The Initial Study and the Mitigated Negative Declaration were circulated for a period of 30 days. Copies of the Notice of Intent to Adopt a Mitigated Negative Declaration and the Initial Study were made available to responsible agencies, the neighboring cities and the public at the local library, at City Hall and on the City's website. Upon the close of the comment period, the Lead Agency proceeded to evaluate and prepare responses to all written comments received during the public review period.
- II.D.* The aforementioned comments and responses and other information consistent with the requirements of Section 15132(b)(c)(d)(e) and the State CEQA Guidelines, as amended, were incorporated into the Final document. Following completion of the Response to Comments, the lead Agency's responses to the comments received were transmitted to those parties for consideration prior to the adoption of the Mitigated Negative Declaration.

III. FINDINGS WITH RESPECT TO THE ENVIRONMENTAL ANALYSIS

The City of La Habra, acting as Lead Agency for the environmental review of the proposed project, finds that changes or alterations must be incorporated into the project in the form of mitigation measures in order to avoid or substantially lessen potentially significant environmental effects as identified in the Initial Study prepared in support of the Mitigated Negative Declaration. This section documents the Lead Agency's findings with respect to the environmental analysis, the facts in support of the findings, and the impacts following mitigation.

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- III.A.* The analysis of aesthetic impacts indicated that no significant adverse impacts would result from the approval and subsequent implementation of the proposed project. As a result, no mitigation is required.
- III.B.* The analysis of agriculture and forestry resources impacts indicated that no significant adverse impacts would result from the approval and subsequent implementation of the proposed project. As a result, no mitigation is required.
- III.C.* The analysis of air quality impacts indicated that no significant adverse impacts would result from the approval and subsequent implementation of the proposed project. As a result, no mitigation is required.
- III.D.* The analysis has determined that the proposed project would potentially result in significant adverse impacts on protected biological resources. For this reason, the following mitigation measures are required:

Mitigation Measure MM-BIO-1. Prior to grading, a pre-construction nesting bird survey shall be conducted by a qualified biologist to determine the presence or absence of nesting, native birds on the project site. No ground-disturbing activities shall occur on the project site until the results of the survey have been submitted to and approved by the City. Any measures recommended by the study shall be implemented by the project developer.

Mitigation Measure MM-BIO-2. The *Quercus agrifolia* that is to be removed from the project site shall be replaced with one 24" box *Quercus agrifolia* within the proposed common open space area when the landscaping is installed.

The aforementioned mitigation measures would reduce potential impacts to biological resources to levels that are less than significant

- III.E.* The analysis determined that the proposed project would not result in potentially significant adverse impacts on cultural or historic resources. As a result, no mitigation is required.
- III.F.* The analysis determined that the proposed project would potentially expose people and structures to substantial adverse impacts due to earthquakes and landslides. For this reason, the following mitigation measures are required:

Mitigation Measure MM-GEO-1. Prior to the issuance of a grading permit, the Applicant shall conduct a geotechnical investigation and incorporate all recommendations contained in the final report into the grading plan and foundation design.

Mitigation Measure MM-GEO-2. Prior to the issuance of a building permit, the Applicant shall demonstrate adherence to the 2013 California Building Code seismic design parameters.

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Mitigation Measure MM-GEO-3. Prior to the issuance of a grading permit, the Applicant shall complete a structural survey of all existing walls surrounding the project site by a licensed civil engineer and implement any recommended repairs or replacement of the wall as recommended by the survey and as required by the Chief Building Official.

The aforementioned mitigation measures would reduce potential impacts to levels that are less than significant

- III.G.* The environmental analysis determined that potential Greenhouse Gas impacts would be small and would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing emissions of GHGs. As a result no mitigation is required.
- III.H.* The environmental analysis determined that the proposed project would not result in potentially significant impacts due to hazards and hazardous materials. As a result, no mitigation is required.
- III.I.* The environmental analysis determined that the proposed project would not result in potentially significant impacts to hydrology or water quality. As a result, no mitigation is required.
- III.J.* The analysis of land use and development impacts indicated that there would not be a potential for significant adverse impacts on land use and development in the absence of mitigation. Therefore, no mitigation is required.
- III.K.* The analysis determined that the proposed project would not result in any significant adverse impacts to mineral resources. Therefore, no mitigation is required.
- III.L.* The analysis determined that the proposed project would not result in significant adverse short-term or long-term increases in the ambient noise levels in the absence of mitigation. However, there is potential for on-site noise impacts due to traffic noise levels along La Habra Boulevard and Idaho Street. The following mitigation measures would ensure that noise levels would meet City noise standards:

Mitigation Measure MM-NOI-1. Prior to the issuance of building permits, plans submitted by the Applicant for building plan check shall indicate that all windows and sliding glass doors of the first row of residential units facing La Habra Boulevard have a minimum Sound Transmission Class (STC) rating of 27, and all windows and sliding glass doors of the first row of residential units facing Idaho Street have a minimum STC rating of 25.

Mitigation Measure MM-NOI-2. Prior to the issuance of any building permits, plans submitted by the Applicant for building plan check shall show a six-foot noise barrier along the east property line.

The aforementioned measures would reduce the potential noise impacts to levels that are less than significant.

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- III.M.* The analysis of housing and population impacts indicated that no significant adverse impacts would result from the proposed project's construction and subsequent occupancy. As a result, no mitigation is required.
- III.N.* The analysis of public service impacts indicated that no significant adverse impacts would result from the proposed project. As a result, no mitigation is required.
- III.O.* The analysis of recreational facilities and services indicated that no significant adverse impacts would occur as a result of the proposed project. As a result, no mitigation is required.
- III.P.* The analysis of traffic and circulation impacts indicated that the proposed project would potentially result in a significant adverse impact related to line of sight. Therefore, the following mitigation measure is required:

Mitigation Measure MM-TRA-1. Prior to the issuance of a Certificate of Occupancy, the applicant shall install "15 MPH" advisory speed limit signs on the internal drive aisles to keep vehicle speeds low, and specifically on the internal drive aisle near the access drive aisle to Idaho Street.

- III.Q.* The analysis of utilities impacts indicated that no significant adverse impacts would result from the proposed project's construction and subsequent operation. Therefore, no mitigation is required.